

**U.S. MAGISTRATE JUDGE BARBARA A. McAULIFFE**

United States District Court - Eastern District of California  
2500 Tulare Street, Courtroom 8, 6th Floor  
Fresno, California 93721  
Courtroom Deputy Clerk Harriet Ann Herman  
Office No. (559) 499-5788  
E-mail: [hherman@caed.uscourts.gov](mailto:hherman@caed.uscourts.gov)



**1. Civil Law and Motion Calendar:**

- a) Judge McAuliffe does NOT issue tentative rulings.
- b) Hearings are on Fridays at 9:00 a.m. in Courtroom 8 – motion dates are not reserved.
- c) Parties do not need to clear a motion hearing date. File your moving papers in accordance with the Local and Federal Rules, if the date conflicts with the Court’s calendar, the Court will reschedule the matter by minute order. **DATES ARE NOT RESERVED.**
- d) Paper copies of all motion-related documents, properly tabbed, fastened, and clearly identified as a “Courtesy Copy” shall be submitted to the Court, Attention: Judge McAuliffe.
- e) On short notice, Minute Orders may be issued vacating the hearing and taking the matter under submission pursuant to Local Rule 230(g) (Fed. R. Civ. P. 78) *please refer to the Court’s Notice of Electronic Filing.*
- f) Motion dates are subject to change at the Court’s direction.
- g) Given the diminishing opportunities for young lawyers to argue in court, Judge McAuliffe encourages litigants to consider assigning oral arguments to an attorney with less than five years’ experience out of law school. If any party files a notice stating such an attorney from at least one side will argue a motion, the court will hold the hearing. Otherwise, the court may find it appropriate in some actions to submit a motion without oral argument.

**2. Scheduling Conferences:**

A JOINT Scheduling Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in full compliance with the requirements set forth in the Order setting Mandatory Scheduling Conference, one (1) full week prior to the Scheduling Conference, and a copy shall be e-mailed, in Microsoft Word format, to [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov).

**3. Settlement Conferences:**

- a) The case must be ready for meaningful settlement discussions. Plaintiff must make a demand to defendants and initial settlement negotiations must take place prior to the Settlement Conference being held.
- b) Confidential Settlement Conference Statements are **MANDATORY** for each party, and must be submitted to Judge McAuliffe’s chambers **at least seven (7) calendar days prior to the Settlement Conference.**
- c) Parties must appear with counsel.

d) Upon written request with *good cause* submitted for Judge McAuliffe's approval, some telephonic appearances may be granted.

e) Consistent with the provisions of Local Rule 270(b), you will be asked at the scheduling conference whether you waive disqualification of Magistrate Judge Barbara McAuliffe to conduct a settlement conference in your case. The parties are informed that absent such a written waiver of disqualification to conduct the settlement conference, any settlement conference must be set before another Magistrate Judge.

#### **4. Telephonic Appearances:**

a) Telephonic appearances by local or out-of-town counsel are permitted and encouraged for all matters excluding trial and settlement conferences.

b) Parties shall notify the court if counsel will be appearing telephonically by providing a notification in the caption of their papers or by email to [HHerman@caed.uscourts.gov](mailto:HHerman@caed.uscourts.gov) at least one week prior to the hearing.

c) Counsel may appear by phone by dialing the court's **Teleconference Line:** at (877) 411-9748 and entering **Access Code:** 3190866. Parties are expected to be as timely for teleconferences as they would be if personally appearing in court.

d) Because the court may be hearing other matters using the same conference line, please wait to state your appearance until your case has been called and appearances are requested. Keep all background noise to a minimum.

#### **5. Discovery Hearings:**

Local Rule 251(a) (Fed R. Civ. P. 37) requires a joint statement. However, with the press of business, Judge McAuliffe REQUIRES a joint statement re discovery disagreement be filed seven (7) days before the scheduled hearing date (i.e., the Friday before the customary Friday hearing). Any motion will be dropped from calendar if the statement is not timely filed, and courtesy copies of all motion-related documents, including the 251 statement, declarations, and exhibits (see section 1(d) above), are not delivered to the Clerk's Office by 9:00 a.m. on the fourth (4th) day (Monday) prior to the hearing (customarily on Friday).

#### **6. Informal Telephonic Conferences re Discovery Disputes:**

a) If the parties stipulate, Judge McAuliffe will resolve discovery disputes outside the formal Local Rule 251 procedures.

b) After obtaining the available dates and times from the courtroom deputy and agreeing upon a date and time with opposing counsel, confirm with the courtroom deputy when the parties will be calling in. All parties must appear telephonically.

c) At least **48 hours** before the conference, the parties shall email chambers a two-page synopsis of their dispute in a letter or memo format (no exhibits or attachments). Email [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov).

#### **7. All Documents Requiring Court Approval:**

As required by Local Rule 137(b), counsel shall submit all proposed orders, stipulations, etc., in **Microsoft Word** format, to chambers at [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov). Pursuant to Local Rule 131(c), the documents should include the attorneys' electronic signatures (i.e. /s/First/Last name), as well as the date the document was signed. Do not submit unsigned documents. Also, do not submit documents for signature in .pdf format as they will not be considered.

## **8. Length of Briefs On Motions Other Than Rule 251 Motions**

Unless prior leave of Court is obtained seven days before the filing date, all moving and opposition briefs or legal memorandum in civil cases shall not exceed 25 pages. Reply briefs filed by moving parties shall not exceed 10 pages. Any briefing exceeding 10 pages shall include a table of contents and a table of authorities. Briefs that exceed the page limitations or are sought to be filed without leave may not be considered. If combined supporting papers or opposition papers exceed 25 pages, the parties are required to submit a complete set of all papers as chambers courtesy copy, properly tabbed and fastened.

## **9. 1:00 PM Criminal Status Conference (2nd and 4th Mondays of the Month in 2017, Unless Monday is a Holiday, Then Hearings Will Be the Following Day on Tuesday):**

- a) All Stipulations and Orders re Continuance AND Waivers of Appearance re defendant(s) must be filed **no later than NOON on the Thursday before the hearing date**; parties must show 'good cause' in any continuance request. Any stipulation and/or waiver submitted after this deadline is subject to denial.
- b) All Stipulations and Orders AND Waivers of Appearance shall be properly dated and signed by all concerned parties and shall be emailed in Microsoft Word format to chambers at [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov).
- c) Hearing dates are subject to change at the Court's discretion.